(3)

(1)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 4079 /2004

PETITIONER Zakiuddin, aged about 85 Years
S/o Late Badruddin
Proprietor M. Badruddin Mulla,
M.Shamsuddin and Sons
Sadar Bazar, Raipur (C.G.)

P.R. No. 4864/04
Presented by Shri Santosh Sethi
dated 25-10-04

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through the Secretary
Home (C) Department
D.K.S. Bhawan Raipur (C.G.)

2. The District Magistrate
Raipur (C.G.)

Clerk to A. G. Bilaspur
25/10/04

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

(24)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W P 4079/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	3.1.2005 Shri C.R. Sahu, counsel for the petitioner. Shri Utkarsh Verma, Panel Lawyer for the State. Heard on admission. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 17.8.2004 passed by the Additional Principal Secretary, Department of Home, State of C.G., Raipur, whereby learned Additional Principal Secretary as Appellate Authority dismissed the appeal preferred by the petitioner against the order dated 28.2.2002 passed by the District Magistrate, Raipur whereby learned District Magistrate refused to renew the license of petitioner for keeping gunpowder on the ground that present location where the petitioner is keeping the gunpowder is thickly populated area, which is not in the public interest and also in view of Circular No. 163/Home Deptt./2000 dated 1.12.2000 issued by the Home Department license cannot be renewed. I have heard learned counsel for the parties on admission. Learned counsel for the petitioner submits that the petitioner was continuously engaged in the business of keeping gunpowder since 1967 and all of a sudden respondent No.2 has refused to renew the license without any valid reason. Perusal of the order passed by respondent No.2 reveals that the place where the petitioner was keeping the gunpowder is a	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

thickly populated area, therefore, in the public interest, particularly, in view of the Home Department's circular license cannot be renewed.

By the impugned order the Additional Principal Secretary observed that two criminal cases are registered against the petitioner for supplying the gunpowder to the criminals and the place where the petitioner is keeping gunpowder is thickly populated area. In the last paragraph the Additional Principal Secretary has written that if the petitioner is prepared to keep the gunpowder in some outer area then the District Magistrate may consider his application on its own merit. Therefore, the order passed by the Additional Principal Secretary, Department of Home, is reasonable and particularly in view of the fact that such an explosive substance should not be allowed to be kept in a thickly populated area, which can cause havoc any time.

In view of the above I do not find any illegality in the impugned order, as such, the petition is liable to be dismissed and same is dismissed in limine.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये